

LAW LIBRARY

NEWSLETTER

Professional legal information, services, and education

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Postnups: New tool in Ohio divorce lawyer's toolbox

By Andrew Zashin of Zashin & Rich Co

Most people have heard of prenuptial agreements. These are contracts that couples enter into before walking down the aisle that outlines what happens with respect to the parties' finances in the event that the marriage ends due to divorce or the death of either party. On March 23, a similar tool known as postnuptial agreements will be available to married couples in Ohio.

Until this year, Ohio law prohibited postnuptial agreements, often referred to as "postnups." This meant that married people could not enter into contracts regarding their obligations to one another. This also meant that married couples could not amend prenuptial agreements even if the prenuptial agreement contained an error or if circumstances changed that rendered the prenuptial agreement unfair or obsolete. Now, a 60-year-old couple that entered into a prenuptial agreement in their thirties can freely amend or modify that agreement to align with their current goals and circumstances.

In addition to amending a prenuptial agreement, there are many

other reasons why a couple might consider signing a postnuptial agreement. One of the most common reasons is to address changes in the couple's financial circumstances. Maybe one spouse plans on opening a business. A postnuptial agreement can clarify that the business will remain that spouse's separate property, along with any debts associated with the busi-



ness. If one spouse stopped working during the marriage to care for the parties' children, a postnuptial agreement can create a structure for payment of support to compensate the spouse for the wages lost while staying home to care for the children. Postnups can also be helpful for couples who are experiencing marital difficulties who want to

clarify their financial rights and obligations in the event of a separation or divorce.

Like a prenuptial agreement, postnuptial agreements will identify which assets are considered the separate property of each spouse and which assets are considered marital property. A postnup can also establish which spouse will be responsible for paying off certain debts, such as credit card balances or student loans. Postnups can outline the amount of spousal support to be paid in the event of a divorce. Postnups can also outline the amount that a spouse will receive in the event of the death of the other spouse during the marriage. Postnuptial agreements cannot be used, however, to make decisions related to child custody or child support. These issues can only be decided at the time a couple decides to end the marriage based on the best interests of the child at that time.

Like prenuptial agreements, postnuptial agreements require certain elements in order to be enforceable. The agreement must be in writing and signed by both spouses. It must be entered into freely without fraud, duress, coercion or overreaching. It must be made with full disclosure or with full knowledge and understanding of the other spouse's property. A postnuptial agreement also cannot promote or encourage divorce.

Ultimately, Ohio's adoption of postnuptial agreements provides married couples with a new way to protect their assets and plan for the future. While postnuptial agreements are not appropriate for every couple, they can be



an important tool for couples who want to ensure that their assets are distributed in a way that they both agree on. Couples considering a postnuptial agreement should work with an experienced family law attorney to create an agreement that is legally binding and meets their needs.

Andrew A. Zashin, is co-managing Partner of Zashin & Rich Co, LPA, with offices in Cleveland and Columbus. He practices Family Law and International Family Law throughout Ohio and the United States. Mr. Zashin was counsel of record for the Respondents in the historic fourth and fifth 1980 Hague Convention on Child Abduction cases, *Monasky v. Taglieri* (2020) and *Golan v. Saada* (2022), heard before the United States Supreme Court. Mr. Zashin has been an Adjunct Professor at the School of Law at Case Western Reserve University for twenty years.



ZASHIN & RICH

Marriage Resources

Law Library subscribers have access to a variety of Marriage Resources, including those listed below. If you have questions about these resources, contact the reference staff at reference@cms.hamilton-co.org or 513.946.5300.

CATALOG

Domestic relations laws & rules annotated including family law [Ohio]
Call Number: KFO94 .Z95 B341

Ohio family law handbook. Ohio family law handbook.
Call Number: KFO94 .A96 Call Number: KFO94 .A96

Anderson's ... Ohio family law.
Call Number: KFO94 .A95

WESTLAW

The Postnuptial Agreement Renaissance—
Can Ohio Emerge From The Dark Ages?
Ohio Probate Law Journal
July/August 2019
Volume 29, Issue 6
Probate Law Journal Of Ohio

Postnuptial Contract
16 Ohio Jur. 3d Conflict of Laws § 17
Ohio Jurisprudence, Third Edition
February 2023 Update
Conflict of Laws

LEXIS+

NOTE: OHIO'S LOVE-HATE RELATIONSHIP
WITH MARITAL AGREEMENTS:
WHY OHIO SHOULD LIFT ITS PROHIBITION
ON POSTNUPTIAL AGREEMENTS, 69 Clev.
St. L. Rev. 511

§ 3103.06 Contracts affecting marriage.
[Effective March 23, 2023]
OH - Page's Ohio Revised Code Annotated
ORC Ann. 3103.06

UPCOMING EVENTS AT THE LAW LIBRARY

4/07/2023 Good Friday – Closed @ 12:30

04/20/2023 at 12:00 PM – 1:30 PM
Hamilton County Law Library Resources
Board Meeting in the Law Library's board-room

05/04/2023 at 12:00 PM – 1:00 PM
"You're our only hope!" to join the HCLL-CBA
Book Club meeting - Via Zoom

05/29/2023 Memorial Day—Closed

**Have you
been to the
Book Store?**

• • •
Prices Range from
\$1-\$10

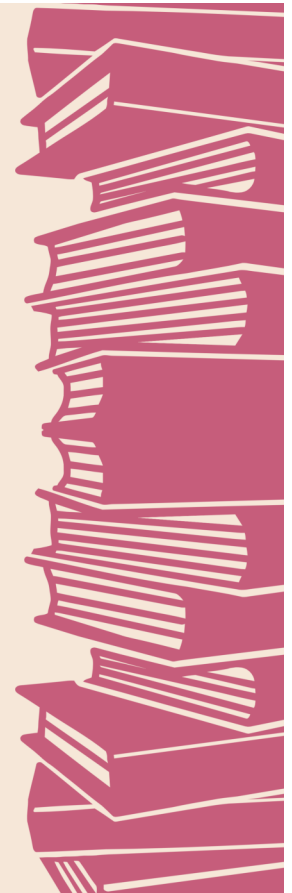
**2021-2022
Editions**

Selections from:

♦ **Baldwin's Series**

♦ **Anderson's Series**

Check back occasionally
for more available
books in the Copy
Room!



TECH TIP

Access & Download Ohio Jury Instructions with LexisNexis Digital Library

By: Ana Mendoza

Ohio Jury Instructions Civil & Criminal are now available through the LexisNexis Digital Library. You can access and download sections as needed along with the ability to make notes.

Download the LexisNexis Digital Library onto your phone or tablet and gain access to the eBook Collection! The Digital Library now carries the Ohio Jury Instructions. Follow the link to download the app. Use Library Code: COCLL

Check out legal eBooks from the library:

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[Hamilton County Username & Barcode](#)

[APPLE APP STORE](#)

[GOOGLE PLAY STORE](#)



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County Law Libraries



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Ohio Consortium of Law Libraries

After downloading the app from the link, use the search bar at the top to find the Ohio Jury Instructions Civil & Criminal. There are 3 volumes in total. Once you have viewed the books, they will appear on your home page under "Recently Read"



Ohio Jury Instructions

Civil

RELEASE DATE 11/22/2022



READ



Ohio Jury Instructions

Criminal Part 1

RELEASE DATE 11/22/2022



READ



Ohio Jury Instructions

Criminal Part 2

RELEASE DATE 11/22/2022



READ

Within each volume, navigate through the Table of Contents, or directly search for the instructions needed through the search bar below the eBook information. Select whether to search all 3 volumes or a single volume within the set.

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Phrase



This volume

Search this title

Volume 1 Table of Contents

A COMPLETE SYNOPSIS FOR EACH CHAPTER APPEARS AT THE BEGINNING OF THE CHAPTER.

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[CV 101.15 An appeal on instructions \[Rev. 12-1-07\]](#)

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A highlight

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Highlight **Instructions are as essential to an intelligent and orderly trial as they are...**

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Note

View the table of contents from the home page, or you can open the eBook and explore the linked contents throughout each volume.

Download passages by printing to PDF and saving onto your device.

The use of preliminary instructions--introducing to the jury the nature of the issues--has given rise to two problems that should be mentioned.

First, the most time-consuming part of the trial is the introduction of evidence by the testimony and the cross-examination. Of course the evidence will be presented in a logical order, and the information is not necessarily surprising by unexpected or inaccurate preliminary instructions. A correct instruction delivered at the beginning of the trial is essential to an intelligent and orderly trial as they are...

Second, while administering preliminary instructions, whether omitted from the final charge or not, the charge must be full and complete, and the instructions must be full and complete regardless of instruction. Preliminary instructions are essential to an intelligent and orderly trial as they are...

...of the trial is the introduction of evidence by the testimony and the cross-examination. Of course the evidence will be presented in a logical order, and the information is not necessarily surprising by unexpected or inaccurate preliminary instructions. A correct instruction delivered at the beginning of the trial is essential to an intelligent and orderly trial as they are...

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...become inappropriate. If specific issues are developed ordinarily, a change in the discovery; however, such change; or counsel may be the introduction of new issues. If an issue is withdrawn and a

...jury, many preliminary instructions, must not be omitted from the final charge. The final charge must be an appropriate charge, and the instructions must be full and complete. Corrections in the instructions are essential to an intelligent and orderly trial as they are...

...be found in evidential testimony. If delivered they need not be repeated; however, if omitted and included only in the introduction, the timing is inappropriate to the impartial position of the comment on the evidence may be misconstrued.

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For more help navigating through the LexisNexis Digital Library, contact the Hamilton County Law Library at

Reference@cms.hamilton-co.org

Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to six weeks at a time

Access to extensive legal information databases from the Law Library, including

Lexis+, Westlaw, Wolters Kluwer VitalLaw™, Overdrive e-books, HeinOnline, and Loislaw treatises

Wireless network throughout the Law Library

Zoom, Skype & other videoconferencing

Eight meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

CLE seminars throughout the year on legal research and substantive topics

Subscribers' lounge, magazines, daily newspapers, and coffee

Bi-weekly news alerts by practice area

Discounted rates for photocopying

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/LOISLaw treatises, HeinOnline (for under 50 attorney firms), EBSCOhost, and Wolters Kluwer VitalLaw™

Interested in Leading a CLE?

The Hamilton County Law Library is seeking volunteers to lead a CLE via Zoom. The presentation will also be recorded and added to the On-Demand library for subscribers.

WHAT YOU NEED:

- Passion for teaching a topic of your choice for viewers to earn credit in Ohio & Kentucky.
- Access to a computer with a camera and microphone (available at the Law Library).
- A comprehensive presentation, which will act as course materials and a reference for attendees during and after the program.

If you are interested in leading a CLE for the Hamilton County Law Library, contact [Amy Kurlansky](#) for more details.

Law Library Board Meeting

The Hamilton County Law Library Resources Board will hold its next regular quarterly meeting on Thursday, April 20, 2023 at 12:00pm in the Law Library's boardroom, Hamilton County Courthouse, 1000 Main St., Sixth floor, Cincinnati, OH 45202. Meetings are open to the public.

LEXIS NEXIS DIGITAL LIBRARY

The Hamilton County Law Library gives all subscribers access to the LexisNexis Digital Library. You can access the library through the [website](#) (lawlibrary.hamiltoncountyohio.gov/) or through the App available on the [APPLE APP STORE](#) and [GOOGLE PLAY STORE](#).

WHAT'S IN THE DIGITAL LIBRARY?

- Ohio Jury Instructions—Civil & Criminal (3 volumes)
- Ohio Rules of Court Annotated
- And many more!

Download the Digital Library today!

Celebrate National Library Week 2023

National Library Week is April 23-29, this year. National Library Week is a national observance sponsored by the American Library Association (ALA) and libraries across the country each April. It is a celebration of libraries and library workers and the transformative work they do in their communities. The theme for 2023 National Library Week is "There's More to the Story," which promotes the idea that libraries are much more than just the books on their shelves.

At the Hamilton County Law Library, we provide access to high-quality and updated print materials for your legal research needs, but also much more. Here are just a few things we provide that show that there's more to OUR story:

- Free CLE programming for our subscribers, including an on-demand library accessible 24/7 via our website.

- Legal research assistance from trained and skilled librarians.

- Meeting rooms available for subscriber reservation and use.

- A computer lab with access to legal databases, including BOTH Westlaw and Lexis+

- Remote access to Fastcase and other databases for most subscriber groups.

- Coffee, tea and hot chocolate in our beautiful, updated subscriber lounge.

Visit the Law Library during National Library Week to learn more and help us celebrate!



CBA Bundle Renewals

A reminder for our subscribers who have bundled their Law Library subscription with their Cincinnati Bar Association membership – please make sure to select the Law Library add-on when you submit your 2023-2024 Membership Renewal to the CBA. Already renewed with the CBA and didn't add it on? It's not too late! Please contact Betsy Weber by phone at 513-946-5300 or email at bweber@cms.hamilton-co.org and she'll work with you to make sure it gets processed.

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